

REMARKS/ARGUMENTS

These remarks are submitted in response to the Final Office Action dated May 18, 2007 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiencies or credit any over-payments to Deposit Account No. 50-0951.

At page 4 of the Office Action, Claims 20-22 and 44-46 were withdrawn from consideration by the Examiner as being directed to a non-elected invention. At page 4 of the Office Action, Claims 1-2, 4-6, 10-13, 25-26, 28-30, 34-37 and 49-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,539,232 to Hendrey, *et al.* (hereinafter Hendrey), in view of non-patent literature "Personal Area Networks: Near-field Intrabody Communication," IBM Systems Journal (1996), by Zimmerman (hereinafter Zimmerman). At page 6 of the Office Action, Claims 3 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey.

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended the claims to expedite prosecution of the present application. It is noted that the amendments should not be interpreted as the surrender of any subject matter and Applicants reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 10, 25 and 34 to emphasize certain aspects of the invention. Applicants also have amended dependent Claims 3, 4, 6, 13, 30 and 37 to maintain consistency among the claims. Applicants have cancelled

Claim 50. The claim amendments are supported throughout the Specification, as discussed below. No new matter has been added by the claim amendments.

Aspects Of The Claimed Invention

Prior to discussing the cited references, it may be useful to reiterate certain aspects of Applicants' claimed invention. One embodiment, as typified in Claim 1 can include a first portable computing device (PCD) associated with a first user receiving a wireless communication directly from a second PCD associated with a second user via an infrared (IR) or radio frequency (RF) transmission. The RF and IR transmissions, more particularly, can include user identity information associated with the second user. (See, e.g., Specification, page 7, lines 19-24.)

After receiving identity information from the second PCD, the first PCD can transmit user identity information associated with the first and second user to a central receiving station over a cellular or satellite communications link. The central receiving station can then retrieve for each identified user a stored contact list and compare the retrieved contact lists to determine whether at least one contact is common between the contact lists of the first and second users. If at least one common contact is found by the central receiving station, the central receiving station can send at least one subsequent non-local wireless communication to the first and second PCDs.

The at least one non-local wireless communication can provide to the second user a visual symbol and a first identifier identifying the first user who has the at least one contact in common with the first user. The at least one non-local wireless communication can also provide to the first user the same visual symbol and a second identifier identifying the second user who also has the at least one contact in common with the first user. The visual symbol indicates an acquaintance between the first and second user

sharing the at least one common contact. The visual symbol can be displayed on a first display of the first PCD and a second display of the second PCD to provide mutual visual identification to the first and second user. (See, e.g., Specification, page 10, lines 16-26.)

In a second embodiment of the claimed invention, as typified by claim 6, the visual symbol can be displayed to a first badge display unit associated with the first PCD and a second badge display unit associated with the second PCD. The visual symbol can be visible to both the first and second user, thus allowing the first user and the second user to visually identifier one another as acquaintances through a shared common contact. (See, e.g., Specification, page 3, lines 8-20.)

The Claims Define Over the Cited Art

As already noted, independent Claims 1, 10, 25 and 34 were each rejected as being unpatentable under Hendrey in view of Zimmerman. Hendrey discloses a system and method for telecommunications units to initiate a connection between a first and second device when in proximity to one another. (Col. 5, lines 14-18.) Hendrey also discloses initiating a connection based on relationships among users. (Col. 2, lines 56-59.) Zimmerman discloses systems for communicating information using near-field communication. Applicants respectfully submit that Hendrey and Zimmerman, separately and in combination, fail to teach or suggest every element of the claimed invention.

With respect to amended Claims 1, 10, 25 and 34, Hendrey fails to disclose the step of providing to a second user a visual symbol and a first identifier identifying the first user who has at least one contact in common with the first user, and providing to the first user the same visual symbol and a second identifier identifying the second user who also has the at least one contact in common with the first user, the visual symbol

indicating an acquaintance between the first and second user through the at least one common contact.

On Page 4 of the Office Action, it was stated that although Hendrey fails to teach providing an identifier that identifies the second user, Zimmerman teaches sharing contact information to share information between two people. (Page 8, para. 1-2.) Zimmerman discloses exchanging contact information between a first and second user via a physical communication. The contact information also identifies the user providing the contact information, for example, a name, an address, or phone number of the user. In contrast, Applicants' invention provides a visual symbol that indicates an acquaintance between a first and a second user having a common contact. The visual symbol does not contain such contact information. The visual symbol is a pattern that can be displayed, and which is made visible to other users who share the common contact. For example, two users sharing a common contact called "Jane Smith" can each be assigned a visual symbol "X". The visual symbol can be an "X", "Y", or another symbol such that a person can look for others with displays displaying the same symbol as that person, whether an "X" or "Y".

The visual symbol indicates that the first and the second user share a common contact, for example, a business partner or friend. In this respect, a user can compare the visual symbol presented on his or her own device with the visual symbol presented on another device to determine if the visual symbols match, a match indicating that the users are acquaintances through a common contact. The visual symbol does not provide contact information, such as a name and telephone number. However, the non-local wireless communication that provides the visual symbol can also transmit an identifier to provide contact information, as in amended Claim 1. The contact information can be provided in addition to the visual symbol if requested, for example, after the users have visually determined that they share a common contact. The contact information is

provided separately in the communication as an identifier since the visual symbol alone does not solely provide contact information. Moreover, the users may not desire to exchange contact information until it is determined that the users share a common contact.

Zimmerman is directed to exchanging contact information between one or more individuals. As one example, contact information can be exchanged through a handshake. When the individuals shake hands, an electric circuit is completed, allowing signals containing the contact information to pass between the individuals. The individuals thus actively engaged in the handshake are aware of the contact information being exchanged based on the physical interaction. That is, they are aware of who is providing the contact information because they are physically shaking hands. In Applicants invention, the individuals need not be in physical contact with one another. The visual symbols are presented on displays of PCDs to allow individuals in groups to visually identify others who are acquaintances having a common contact. The individuals are able to identify one another by comparing the visual symbol on their own display with visual symbols on other users' displays. Accordingly, the users do not need to physically interact with one another to identify those that share common contacts.

On Page 5 of the Office Action, with respect to Claims 6, 13, 30, and 37, it was stated that Hendrey teaches that an identifier is visually displayed either in text or graphical form. (Col. 4, lines 12-15.) Hendrey discloses that a "connection" may encompass all modalities of data transfer between telecommunication units. A connection is merely a conduit for exchanging data, and the modality of the exchange does not imply that Hendrey teaches displaying a visual symbol. One cannot reasonably infer from this passage that Hendrey expressly or inherently teaches displaying a visual symbol, let alone a visual symbol that indicates an acquaintance between a first and a second user sharing at least one common contact, as recited in amended Claim 1. Again,

it should be noted that contact information provided in the non-local wireless communication is distinct from the visual symbol.

Aspects of amended Claim 1 also recite features of cancelled Claim 50. Accordingly, a response to the rejection of Claim 50 is in order. On Page 5 of the Office Action, it was stated that although Hendrey fails to teach the message with a symbol, Zimmerman (page 8, para 12) teaches sending contact information. For the same reasons previously stated, Applicants contend that Zimmerman does not suggest displaying a visual symbol to indicate an acquaintanceship between a first user and a second user who share at least one common contact, as recited in amended Claim 1.

On Page 5 of the Office Action, it was also stated that the limitation of an identifier being a symbol is considered non-functional descriptive material. Applicants respectfully submit, however, that although contact information provides information to contact an individual, the contact information alone does not identify which individuals share a common contact. The visual symbol is functional in that when it is generated as part of the described process it allows users to identify other users that share a common contact and obviates the need for the users to evaluate one another's contact information. This allows users to quickly identify others sharing a common contact.

It was also stated in the Office Action that the steps of the method/process will be performed the same regardless of what type of information is being displayed and/or how the message is being displayed. Applicants respectfully disagree. The visual symbol can change depending on whom the user comes into contact with, as in amended Claim 3, or depending on when the user is in a general vicinity to other users, as in amended Claim 4. For example, the visual symbol can change as a user enters a group with people sharing other common contacts. In contrast, the contact information disclosed in Zimmerman is static. For example, referring to FIG. 5 of Zimmerman, the ID badge corresponds to the contact information of the user wearing the badge. The contact information of the user

does not change as the user approaches a group of people, since one would not expect the identity of the user to change while the badge is worn.

In Applicants' invention, the visual symbol of the user can change depending on who is in the general vicinity to, or in contact with, the user, depending on the shared common contacts, although the contact information does not change. Neither Hendrey or Zimmerman contemplate displaying a visual symbol to a badge display unit associated with a PCD of each user, as in amended Claim 6, 13, 30 and 37. Furthermore, neither Hendrey or Zimmerman suggest a visual symbol that can change depending on whom the user comes into contact with, as in amended Claim 3, or depending on when the user is in a general vicinity to other users, as in amended Claim 4.

As an example, a first badge display unit can be worn by a first user as an accessory on a shirt. A second badge display unit can be worn by a second user in another visible location. The visual symbol can change depending on the shared common contacts. Users having the same visual symbol displayed on their badge display units have one or more contacts shared in common. This allows each user to mutually, visually identify one another. Although, Zimmerman discloses a personal area network (PAN) identifier badge (see FIG. 5), the identifier badge presents contact information of the user wearing the badge. Again, the contact information is static, and does not change. The badge does not present a visual symbol capable of changing and indicating that the first and second user share a common contact.

Accordingly, the combination of Hendrey in view of Zimmerman fails to teach or suggest every feature recited in independent Claims 1, 10, 25 and 34, as amended. Applicants respectfully assert that each of the independent claims, as amended, defines over the prior art. Applicants further respectfully assert that whereas the remaining dependent claims each depend from one of the amended independent claims while

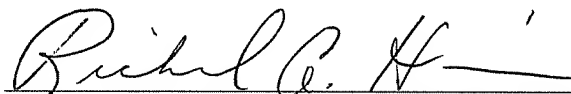
reciting additional features, each of the dependent claims likewise defines over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: July 18, 2007



Gregory A. Nelson, Registration No. 30,577

Richard A. Hinson, Registration No. 47,652

Marc Boillot, Registration No. 56,164

AKERMAN SENTERFITT

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000